



**BRIEFING: MARCH 2010 BOARD MEETING AGENDA ITEM #10**

**TO:** Chairman Pringle and Authority Board Members

**FROM:** Mehdi Morshed, Executive Director

**DATE:** 2/24/10

**RE:** Bay Area to Central Valley Revised Program Level EIR

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**Background**

On December 3, 2009, the California High-Speed Rail Authority (Authority) adopted Resolution HSRA 10-012 to comply with the final judgment and peremptory writ of mandate in the litigation, Town of Atherton, et al., v. California High-Speed Rail Authority, et al., Sacramento Superior Court Case No. 34-2008-80000022. By adopting resolution HSRA 10-012, the Authority rescinded its July 2008 approvals, certifications, and findings related to the Bay Area to Central Valley Program Environmental Impact Report (Program EIR). The Authority also directed staff to prepare the needed revisions to the EIR and circulate them in compliance with the California Environmental Quality Act (CEQA).

Authority staff has prepared the necessary corrections to the Program EIR and will be circulating revised draft material for public review and comment. The new document is entitled "Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material." The revised draft program EIR materials address the issues identified by the Superior Court in the Town of Atherton final judgment.

The CEQA public comment period for the Revised Draft Program EIR Materials will last for 45 days, commencing on March 11, 2010, and concluding at the close of business on April 26, 2010. The document will be accessible on the Authority's website, and notice of its availability will be provided to all agencies, persons, and organizations that commented on the July 2007 Bay Area to Central Valley Draft and Final Program EIR. Comments can be

received at the Authority with the subject line “Bay Area to Central Valley Revised Draft Program EIR Material Comments” by regular U.S. mail, via email (comments@hsr.ca.gov), or be facsimile transmission at (916) 322-0827.

At the completion of the public comment period, Authority staff will prepare responses to comments and provide the responses in a revised final program EIR. The Authority will consider that document at a future meeting of the Board and make a new decision on the high-speed train network alternative for connecting the Bay Area to the Central Valley. Once the Board makes the necessary new decisions, legal counsel will file a document with the Superior Court called a “Return to the Writ” that will report the Authority’s compliance with the court judgment and request discharge of the writ of mandate in order to bring the litigation to a conclusion.

### **Staff Recommendation**

This is an informational item.